

AMENDED IN ASSEMBLY APRIL 30, 2015

AMENDED IN ASSEMBLY APRIL 23, 2015

AMENDED IN ASSEMBLY APRIL 13, 2015

AMENDED IN ASSEMBLY MARCH 19, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 45

Introduced by Assembly Member Mullin

December 1, 2014

An act to add Article 3.4 (commencing with Section 47120) to Chapter 1 of Part 7 of Division 30 of the Public Resources Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 45, as amended, Mullin. Household hazardous waste.

The California Integrated Waste Management Act of 1989, which is administered by the Department of Resources Recycling and Recovery, requires, among other things, each city and each county to prepare a household hazardous waste element containing specified components, and to submit that element to the department for approval. Existing law requires the department to approve the element if the local agency demonstrates that it will comply with specified requirements. A city or county is required to submit an annual report to the department summarizing its progress in reducing solid waste, including an update of the jurisdiction's household hazardous waste element.

This bill would require each jurisdiction that provides for the residential collection and disposal of solid waste to increase the collection and diversion of household hazardous waste in its service

area, on or before July 1, 2020, by 15% over a baseline amount, to be determined in accordance with department regulations. The bill would authorize the department to adopt a model ordinance for a comprehensive program for the collection of household hazardous waste to facilitate compliance with those provisions, and would require each jurisdiction to annually report to the department on progress achieved in complying with those provisions. By imposing new duties on local agencies, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) The Legislature finds and declares all of the
- 2 following:
- 3 (1) Household hazardous waste is creating environmental,
- 4 health, and workplace safety issues. Whether due to unused
- 5 pharmaceuticals, batteries, medical devices, or other disposable
- 6 consumer items, effective and efficient disposal remains an
- 7 extraordinary challenge.
- 8 (2) State and local efforts to address disposal of these items
- 9 have been well intended and, in some cases, effective. However,
- 10 even the most effective programs have very low consumer
- 11 participation. Other approaches being promoted throughout the
- 12 state would fragment the collection of household hazardous waste
- 13 and move collection away from consumer convenience.
- 14 (3) In addition to other programs for the collection of household
- 15 hazardous waste, a number of cities in California are already using
- 16 curbside household hazardous waste collection programs,
- 17 door-to-door household hazardous waste collection programs, and
- 18 household hazardous waste residential pickup services as
- 19 mechanisms for collecting and disposing of many commonly used
- 20 household items for which disposal has been the subject of state
- 21 legislation or local ordinances. The waste disposal companies and
- 22 local governments that have implemented these programs have

1 found them to be valuable components of a comprehensive
2 approach to the management of household hazardous waste.

3 (4) There is also an appropriate role for manufacturers and
4 distributors of these products in comprehensive efforts to more
5 effectively manage household hazardous waste. That role should
6 be based on the ability of manufacturers and distributors to
7 communicate with consumers.

8 (b) It is the intent of the Legislature to enact legislation that
9 would establish curbside household hazardous waste collection
10 programs, door-to-door household hazardous waste collection
11 programs, and household hazardous waste residential pickup
12 services as the principal means of collecting household hazardous
13 waste and diverting it from California's landfills and waterways.

14 SEC. 2. Article 3.4 (commencing with Section 47120) is added
15 to Chapter 1 of Part 7 of Division 30 of the Public Resources Code,
16 to read:

17
18 Article 3.4. Household Hazardous Waste Collection and
19 Reduction
20

21 47120. For purposes of this article, the following terms have
22 the following meanings:

23 (a) "Comprehensive program for the collection of household
24 hazardous waste" means a local program that ~~includes~~ *may include*,
25 *but is not limited to*, the following components:

- 26 (1) Utilization of locally sponsored collection sites.
27 (2) Scheduled and publicly advertised drop off days.
28 (3) Door-to-door collection programs.
29 (4) Mobile collection programs.
30 (5) Dissemination of information about how consumers should
31 dispose of the various types of household hazardous waste.

32 (6) Education programs to promote consumer understanding
33 and use of the local components of a comprehensive program.

34 (b) "Household hazardous waste" includes, but is not limited
35 to, the following:

36 (1) Automotive products, including, but not limited to,
37 antifreeze, batteries, brake fluid, motor oil, oil filters, fuels, wax,
38 and polish.

39 (2) Garden chemicals, including, but not limited to, fertilizers,
40 herbicides, insect sprays, pesticides, and weed killers.

1 (3) Household chemicals, including, but not limited to, ammonia,
2 cleaners, strippers, and rust removers.

3 (4) Paint products, including, but not limited to, paint, caulk,
4 glue, stripper, thinner, and wood preservatives and stain.

5 (5) Consumer electronics, including, but not limited to,
6 televisions, computers, laptops, monitors, keyboards, DVD and
7 CD players, VCRs, MP3 players, cell phones, desktop printers,
8 scanners, fax machines, mice, microwaves, and related cords.

9 (6) Swimming pool chemicals, including, but not limited to,
10 chlorine tablets and liquids, pool acids, and stabilizers.

11 (7) Household batteries. For purposes of this section, “household
12 batteries” means batteries that individually weigh two kilograms
13 or less of mercury, alkaline, carbon-zinc, or nickel-cadmium, and
14 any other batteries typically generated as household waste,
15 including, but not limited to, batteries used to provide power for
16 consumer electronic and personal goods often found in a household.

17 (8) Fluorescent tubes and compact florescent lamps.

18 (9) Mercury-containing items, including, but not limited to,
19 thermometers, thermostats, and switches.

20 (10) Home-generated sharps waste, as defined in Section 117671
21 of the Health and Safety Code.

22 (11) Home-generated pharmaceutical waste. For purposes of
23 this section, “home-generated pharmaceutical waste” means a
24 prescription or nonprescription drug, as specified in Section 4022
25 or 4025.1 of the Business and Professions Code, that is a waste
26 generated by a household or households. “Home-generated
27 pharmaceutical waste” shall not include drugs for which producers
28 provide a take-back program as a part of a United States Food and
29 Drug Administration managed risk evaluation and mitigation
30 strategy pursuant to Section 355-1 of Title 21 of the United States
31 Code, or waste generated by a business, corporation, limited
32 partnership, or an entity involved in a wholesale transaction
33 between a distributor and a retailer.

34 47121. (a) (1) On or before July 1, 2020, each jurisdiction
35 shall increase its collection and diversion of household hazardous
36 waste in its service area by 15 percent over its baseline amount,
37 as established pursuant to subdivision (b).

38 (2) Notwithstanding paragraph (1), a jurisdiction that has in
39 place or adopts an ordinance implementing a comprehensive
40 program for the collection of household hazardous waste shall

1 have an additional two years to meet the collection and diversion
2 objective in paragraph (1).

3 (b) No later than July 1, 2016, each jurisdiction shall inform the
4 department of its baseline amount of collection and diversion of
5 hazardous waste in accordance with regulations adopted by the
6 department. The baseline amount may be expressed in tonnage or
7 by the number of households participating, and may focus on
8 particular types of household hazardous waste.

9 47122. (a) The department shall adopt regulations to implement
10 this article.

11 (b) The department may adopt a model ordinance for a
12 comprehensive program for the collection of household hazardous
13 waste to facilitate compliance with this article.

14 47123. Commencing July 1, 2020, and annually thereafter,
15 each jurisdiction shall report to the department on progress
16 achieved in complying with this section. A jurisdiction shall make
17 a good faith effort to comply with this section, and the department
18 may determine whether a jurisdiction has made a good faith effort
19 for purposes of this program. To the maximum extent practicable,
20 it is the intent of the Legislature that reporting requirements under
21 this section be satisfied by submission of similar reports currently
22 required by law.

23 47124. This article does not apply to a jurisdiction that does
24 not provide for the residential collection and disposal of solid
25 waste.

26 SEC. 3. No reimbursement is required by this act pursuant to
27 Section 6 of Article XIII B of the California Constitution because
28 a local agency or school district has the authority to levy service
29 charges, fees, or assessments sufficient to pay for the program or
30 level of service mandated by this act, within the meaning of Section
31 17556 of the Government Code.